

DAKOTA AREA CONSORTIUM OF TRIBAL SCHOOLS, INC.
Loneman School Corp.
Jon Whirlwind Horse, President

June 10,1998

I am Jon Whirlwind Horse. I am the President of the Dakota Area Consortium of Treaty Schools (DACTS) which represents 19 grant schools in North Dakota and South Dakota. I am pleased to let you know I am accompanied by Mr. Frank D. Rapp, Facilities Director of the Dakota Area Consortium of Treaty Schools. I offer this written testimony on behalf of the Grant schools throughout Indian Country. This is a plea for help.

The history of under funding the education of our children has and continues to undermine not only self-determination, but self sufficiency. We are of the poorest people of the nation, With raging unemployment, poor housing, and health issues the educational system can not be allowed to fail. Our schools belong to the federal government. It is a federal treaty and trust responsibility to provide for the education of our children

According to the GAO School Facilities report on the condition and costs to repair Schools funded by Bureau of Indian Affairs, the costs of the inventory or repairs is \$754 million and \$112 million for replacement of schools on the present priority list. This is conservative total of \$866 million of infrastructure needs. The data is based upon inaccurate information. Schools which need replaced not repaired are not considered. Loneman School in Oglata was condemned by the BIA in 1991. The data on that school only reflects some of the repairs needed.

Assuming a 3% inflation rate, the cost of over \$850 million in deferred maintenance grow by over \$29 million per year due to inflation, and the approximately \$55 million per year due to natural aging and deterioration for a total over \$84 million per year. This problem is not going to go away, it is only going to get worse. These same figures are repeated with an additional 3% construction cost index. The student population at the Bureau funded schools is increasing by 3% annually. This enrollment increase must be considered because the square footage needed for these children must increase accordingly.

There are over 315 portable classrooms in the present system with the projection of another 40 portable classrooms to be funded this next year. These temporary structures only delay the problem with valuable funding satisfy a short term need in lieu of a long term need. At times it appears as if the Bureau is pouring sand down a rat hole.

Our children are not only in school buildings which are not conducive to learning and physically capable of meeting the functional requirements of education reform; they are unsafe with critical life safety deficiencies. Not only are these schools a federal responsibility, they have become a liability of the federal government. Why is the federal government waiting for a serious injury or death of a little child before we fix the problems. Personal injury lawsuits are inevitable.

It has been a consensus by everyone recognizing the critical condition of all school facilities throughout the country. The Administration and Congress have been seeking ways to resolve this problem for public schools. Very few people are concerned about the alarming conditions in the Bureau funded school system which is a federal system. Help us make the federal system a model for the rest of the Nation. The States and their localities are responsible for public schools. We can use the same finance and management system they have been using and fix this problem.

The present new school construction priority system needs to be revised and reopened. It is based upon erroneous information from a facility management information system which still has not been updated for years. It is a system which intentionally preferences Bureau run schools over Tribally controlled Schools. The Department of Interior has been saying for years it will be developing a new facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. They have been saying that for years. We ask you to demand the immediate upgrading of the system with the correct backlog information. Only then will Congress see the real problems we face with our educational systems.

Allow new school construction applications to be submitted with the necessary funding for facility needs assessments and space utilization studies, With the student populations growing each year Congress needs to stop the "freeze" on school grade expansions. This is an immediate need. Too many children, our most valuable resource, are not attending high schools.

We are also at a point where the schools can no longer tolerate the pathetic constraintment of the operations and maintenance funding. The enclosed documents (DACTS O&M Report) reflect the constraintment dilemma in our area. Our nineteen schools from FY 94 - FY 98 have been underfunded a total of \$14 million. This one factor contributes greatly to the deterioration rate of our schools. The appropriations request in facility operations and maintenance for school year 1998-99 is at 67% of need. Nationally this under funding the O&M funding by \$38.13 million this next school year. Schools are not able to exercise any preventative maintenance. The constrained funds only allow for operation costs and unscheduled maintenance. The Bureau is manipulating the operations and maintenance formula which will lower the true need, on paper, so the constraintment amount does not appear as bad.

We are now into an era of mistrust. The BIA needlessly and continuously attempts to micro manage grant schools. They continue to prioritize Bureau operated Schools over Grant Schools. They ignore our pleas for assistance and are now in the process of reassuming grant schools contrary to Tribal Demands and Federal Statutes.

The BIA is requesting more funds for the Area offices when they report a decrease in the number of FTE. In FY 96 they had 101 FTE with funding at \$6,897,000 and the FY 99 request reflects 48 FTE's with a budget request of \$7,142,000. One would expect the FTEs and the funding to decline in view of the number of schools converting to grant status.

We ask you to not support the proposed language by the BIA to place a cap on the amount of BIA funds which can be spent of Administrative Costs Grants. Their bill language is as follows:
...Provided, that notwithstanding the Indian Self-Determined Act of 1975, as amended and 25

USC 2008, [the AC Grant formula section of the law] not to exceed \$46,690,000 within and only from such amounts made available for school operations shall be available to Tribes and Tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools;.....” Once again the BIA is going against the best interests of the Tribes they serve and circumventing judicial decisions, federal legislation, and federal policy. The Alamo/Miccosukee case is clear.

We are also at a point where the schools can no longer tolerate the pathetic constraint of the operations and maintenance funding. The enclosed documents (DACTS O&M Report) reflect the constraint dilemma in our area. Our nineteen schools from FY 94 - FY 98 have been underfunded a total of \$14 million. This one factor contributes greatly to the deterioration rate of our schools.

The appropriations request in facility operations and maintenance for school year 1998-99 is at 67% of need. Nationally this under funds the O&M funding by \$38.13 million this next school year. The Bureau is manipulating the operations and maintenance formula which will lower the true need, on paper, so the constraint amount does not appear as bad. Schools are presently filing claim for the constrained operations and maintenance funding, as they did before with the Administrative Costs Grants.

We have been promoting and working on a bonding bill for a number of years. The principal is simple and practical. We would leverage existing FI&R and NSC funds using existing finance markets. It seems that those who reviewed it and those who have helped develop it find it to be effective and based upon sound financial principals, Public Schools, local municipalities, and States do it all the time. We are told this can not be done for Indian Schools. The Federal Government does not operate this way. We are told by the Administration and Congress they will appropriate the necessary funds to meet the deplorable infrastructures of the Bureau of Indian Affairs Schools. It has not happened and once again the attempts to increase funding during appropriations was defeated.

In the FY 99 budget let us as a reinvention laboratory privatize the construction of a few new schools in the Dakota Area (Ojibwa, Marty, and Loneman). Additional funding for this would show the privatization of finance, design, management, and construction. It would decrease the time from design to occupancy. It would reflect cost savings to the Federal Government. It would prove Grant schools could account for funds better than the BIA. The BIA or GAO would have oversight and final approval to allow the new facility into the facility management information system.